THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.11813 OF 2007

DATED: 09-07-2007

BETWEEN

K. Prabhakar, S/o. Buchaiah,
Occ: Business, R/o. H.No.10-90/1,
Ramkrishnapuram, Kyathanpalli
Gram Panchayat, Mandamarri
Mandal, Adilabad District.

...PETITIONER

AND

The Superintendent of Police,
Adilabad, Adilabad District and
another.

...RESPONDENTS

ORDER:

Petitioner submits that on the written information furnished by him on 24.02.2007 to the Sub-Inspector of Police, Ramkrishnapuram Police Station, Adilabad District, stating that on 24.02.2007 when he was not in the shop, Kethapally Sammi Reddy and his wife came to his shop and took away the account books and threatened to kill him;

no action has been taken on the said complaint. Thereafter, the petitioner made another complaint on 20.05.2007 stating that on 19.05.2007, when he was not in the shop, Kethapally Sammi Reddy, Sarwotham Reddy, Narayana Reddy, Mahender Reddy along with other ten persons came to his shop and took the keys of the shop from the counter and locked the shop; threatened that they would kill him and abused in filthy language and went away and also stated that unless they receive the amount they would not hand over the keys; no action has been taken on the said complaint even though the same was received by the receiving PC vide receipt dated

20.05.2007. Therefore, it is stated that the petitioner was constrained to filed a representation dated 22.05.2007 before the Superintendent of Police, Adilabad District on which an endorsement was made directing the Circle Inspector of Police, Mandamarri, to get the matter enquired properly and settle the issue. In spite of the said representation and endorsement no crime has been registered against the offenders.

2. Learned counsel for the petitioner submits that the complaint lodged by the petitioner discloses a cognizable offence; therefore, there is no justification on the part of the second respondent in not registering a crime against the accused persons. Therefore, the petitioner was constrained to file this writ petition.

3. This Court by order dated 08.06.2007 while issuing notice before admission directed the learned Government Pleader for Home to get instructions with regard to the action taken by the second respondent.

4. Learned GP for Home submits that based on the said complaint a case in FIR.No.76 of 2007 was registered on 10.06.2007 by the Ramkrishnapuram Police Station under Sections 290, 341, 380, 506 read with Section 34 of the Indian Penal Code, 1860 against the aforesaid persons and five to ten others. Learned GP further submits that, in fact, the representation made before the Superintendent of Police on which an endorsement dated 22.05.2007 was made,
was received by the second respondent only on 10.06.2007, therefore, the crime was registered on 10.06.2007.

5. I am of the opinion that there is no justification for such an explanation sought to be made by the second respondent, when a written intimation dated 24.02.2007 was furnished disclosing that a cognizable offence has been committed, as such, there was no other option for the second respondent except to register the crime and investigate the case. Therefore, the first respondent is directed to cause an enquiry as to why the second respondent delayed the registration of crime pursuant to the written intimation

dated 24.02.2007 and take appropriate action in accordance with law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

July 9, 2007
DSK